

**REMARKS**

In the December 30, 2005 Office Action, the Examiner noted that claims 2-30 were pending in the application; rejected claims 17 and 30 under 35 USC § 102(e); and rejected claims 2-16 and 18-29 under 35 USC § 103(a). In rejecting the claims, U.S. Patents 5,903,568 to Tanaka et al. (Reference B in the December 30, 2005 Office Action) and 6,404,743 to Meandzija (Reference A in the September 11, 2003 Office Action) were cited. Claims 2-30 remain in the case. The rejections are traversed below.

**Rejections under 35 USC § 102(e)**

In items 5-7 on pages 3-5 of the Office Action, claims 17 and 30 were rejected under 35 USC § 102(e) as anticipated by Tanaka et al. In making this rejection, column 10, lines 38-48 were cited as disclosing "an agent at a first management level storing state information associated therewith" (claim 17, line 3). What appears to be most relevant to line 3 of claim 7 in this portion of Tanaka et al. is that "an event notification  $N_{n-1}$  1 produced in the managed object  $M_{n-1}$  1 [is] stored in the lower-layer MIB ... in a managed object  $M_n$  3 stored in the upper-layer MIB 103 and related to the managed object  $M_{n-1}$  1" (column 10, lines 39-42). There is no suggestion in this statement or elsewhere in lines 38-48 of Tanaka et al. that what is stored in either Management Information Base (MIB) constitutes "state information" as recited in claim 17.

In addition, column 10, lines 45-48 of Tanaka et al. was cited as disclosing an "agent checking the state information of said agent with regard to deviations from a normal state" (claim 17, lines 5-6). This portion of Tanaka et al. states "[t]he lower-layer agent 107 gives an event notification  $N_{n-1}$  1 produced in the managed object  $M_{n-1}$  1 to the lower-layer manager 106 in a step 401" where the subscripted reference characters apparently refer to the table in Fig. 4, "step 401" is illustrated in Fig. 8 and the remaining reference numerals appear in Fig. 3. There is no suggestion in column 10, lines 45-48 of Tanaka et al. regarding anything that might constitute "state information" or that anything is checked for "deviations from a normal state" as recited in claim 17.

Furthermore, column 10, line 48 to column 11, line 18 of Tanaka et al. was cited as disclosing "sending only deviant state information of said agent indicating the deviations from the normal state to said manager in response to the request message" (claim 17, last 2 lines). Specifically, the words "[e]vent notifications which correspond to the upper layer in the managed-object correspondence information database 105 are reported to the upper-layer agent 102 in a step 406" (column 11, lines 13-16) which appeared as bracketed text on the last line of page 3

and first two lines on page 4 of the Office Action, were relied on as teaching the limitation on the last two lines of claim 17. However, once again, there is no suggestion, let alone teaching, in column 10, line 48 to column 11, line 18 of Tanaka et al. regarding anything remotely related to "deviant state information of said agent indicating the deviations from the normal state" as required by claim 17.

The same portions of Tanaka et al. were cited as disclosing "storing, at an agent of a first management level, state information associated with the agent" (claim 30, lines 3-4); "comparing by the agent, the state information previously stored by the agent for deviation from a normal state" (claim 30, lines 7-8) and "sending ... only deviant state information indicating deviation from the normal state of the state information previously stored by the agent" (claim 30, last 3 lines). Therefore, it is submitted that claims 17 and 30 patentably distinguish over Tanaka et al. for all of the above reasons.

#### **Rejections under 35 U.S.C. § 103(a)**

In items 9-28 on pages 5-11 of the Office Action, claims 2-6 and 18-29 were rejected under 35 USC § 103(a) as unpatentable over Tanaka et al. in view of Meandzija. It is submitted that Meandzija does not overcome the deficiencies of Tanaka et al. discussed above, and therefore, claims 2-16 and 18-29 patentably distinguish over the applied art for the reasons discussed above with respect to claims 17 and 30 from which they depend.

#### **Summary**

It is submitted that the references cited by the Examiner, taken individually or in combination, do not teach or suggest the features of the present claimed invention. Thus, it is submitted that claims 2-30 are in a condition suitable for allowance. Entry of the Amendment, reconsideration of the claims and an early Notice of Allowance are earnestly solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

Serial No. 09/700,093

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: 9/28/06

By: Richard A. Gollhofer  
Richard A. Gollhofer  
Registration No. 31,106

1201 New York Ave, N.W., Suite 700  
Washington, D.C. 20005  
Telephone: (202) 434-1500  
Facsimile: (202) 434-1501